C.P 1005

(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO 553 OF 2002

PETITIONER

Lakshmikant Koka
s/o L/V.K.Koka
aged years,
r/o C/41,Yadunandan Nagar,
Tifra,
Bilaspur (C.G)

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Secretary, Department of Housing & Environment, Mantralayay, D K S Bhawan, Raipur (C.G)

2. Bilaspur Development Authority through its Chief Executive - Officer, Vyapar Vihar, Ring Road, Bilaspur (C.G).

3. Chief Executive Officer, B.D.A, Vyapar Vihar,Ring Road, Bilaspur (C.G).

4. Commissioner,Revenue Bilaspur Division cum Chairman Bilaspur Development Authority, Bilaspur (C.G).

P.R. No. 553/02
Presented by Shri ... Adv.
dated ... 13-03-02

PETITION UNDER ARTICLE 226 READ WITH 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE CERTIORARI, MANDAMUS PROHIBITION AND FOR ISSUANCE OF OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS.

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 553 of 2002

Petitioner : Lakshmikant Koka

Versus

Respondents : State of Chhattisgarh & Others

Shri Ashish Shrivastava, counsel for the petitioner.

Shri Ajay Dwivedi, Panel lawyer for the respondent No. 1/State.

Shri S.P. Kale, counsel for the respondents No. 2 to 4.

ORAL ORDER
(17th July, 2006)

1. The petitioner was engaged on daily wages basis in the year 1989 and he continued to work for about 11 years along with other similarly situated employees by order dated 6.1.1989 (Annexure P/1). Service of the petitioner was discontinued by order dated 10.5.2000.

2. M.P Karmchari Congress representing about 28 employees filed a petition being W.P. No. 3843/2000 in the High Court of Judicature at Jabalpur. This Court allowed the petition filed by the M.P. Karmchari Congress and quashed the impugned termination order dated 10.5.2000 by order dated 15.10.2001.

3. Learned counsel appearing for the petitioner has produced the order dated 1.7.2006 passed by the Commissioner, Municipal Corporation, Bilaspur reinstating the similarly situated daily wages employees in compliance with the order dated 29.4.2005 passed by this Court in W.P. No. 3843 of

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2000. Learned counsel for the petitioner further submits that the present case is similar as the petitioner was engaged as daily wages employee along with other similarly situated employees, who have been reinstated by order dated 1.7.2006 passed by the Commissioner, Municipal Corporation, Bilaspur.

4. In the light of para 53 in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others,** the State Government is directed to take steps for regularization as a one-time measure. The Supreme Court in para 53 of the Judgment in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others** {(2006) 4 Supreme Court Cases 1}, observed thus:

> "53..... The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but

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there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

5. In the present case, admittedly the petitioner was appointed on daily wages basis post and as such he has no right to the post. However, in the facts and circumstances of the case, the respondents are directed to consider the case of the petitioner in terms of the order, as stated above passed by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others** (Supra). The writ petition accordingly stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu